

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV11829 GAO

ROBERT S. STEPHENS,)
Plaintiff)
V.)
ROBERT MULHERN, individually)
and as Police Chief of the Town of)
Groton,)
PETER S. CUNNINGHAM,)
individually and as a Selectman for)
the Town of Groton,)
THOMAS D. HARTNETT individually)
and as a Selectman of the Town of)
Groton,)
DANN CHAMBERLIN, individually)
and as a Selectman of the Town)
of Groton,)
"JOHN DOE" and)
THE TOWN OF GROTON,)
Defendants.)

DEFENDANTS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
PROPOUNDED TO THE PLAINTIFF, ROBERT S. STEPHENS

Pursuant to Rule 34(b) of the Federal Rules of Civil Procedure, the Defendants, Robert Mulhern, Peter S. Cunningham, Thomas D. Hartnett, Dann Chamberlin, and the Town of Groton, demand that the Plaintiff, Robert S. Stephens, produce for inspection and copying the following documents to Jeremy Silverfine, Esq. at Brody, Hardoon, Perkins & Kesten LLP, One Exeter Plaza, Boston, MA 02116 honorable for thirty days after service in this request.

DEFINITIONS AND INSTRUCTIONS

1. The term "document" or "documents" mean, without limitation, the following items, whether printed or recorded or reproduced by any other mechanical process, or written or produced by hand: daily reports, logs, photographs, tapes, assignments, drafts of agreements, communications, correspondence, telegrams, internal or other memoranda, summaries or records of telephone conversations, diaries, graphs, films, reports, notebooks, note charts, plans, drawings, sketches, maps, summaries of records of personal

conversations, interviews, meetings or conferences, summaries or reports of investigations or negotiations, opinions or reports of consultants, letters, computer output or input, invoices, and medical records including, but not limited to, documents from physicians, psychologists, psychiatrists, licensed clinical social workers, nurses, medical personnel, hospitals, or other similar institutions, clinics, sanatoria, convalescent facilities, physical therapists, chiropractors concerning the injuries allegedly sustained by the plaintiff including, but not limited, x-ray reports, consultants' notes, nurses' notes, medication records, discharge summaries, emergency room reports, admittance reports, operations notes, and operation reports, and other writings.

2. The term "incident" or "accident" shall mean the event, which is the basis the plaintiff's allegations in the Complaint and any amendments thereto.

3. If you believe that any of the documents described and requested herein fall within the scope of any privilege or constitute work product materials, or otherwise are not within the scope of discovery permitted by Rule 26(b)(1) of the Federal Rules of Civil Procedure, please furnish a list of all such documents which contains a complete description of each document, including the date of the document, identification of each person to who it is addressed, identification of each person who prepared each such document, identification of each person in possession, custody or control of each such document, and the ground or grounds upon which it is being withheld from production.

DOCUMENTS REQUESTED

REQUEST NO. 1

Please provide any and all medical and/or mental health records from any doctor, physician or any medical or mental health practitioner who treated you with respect to any illness or injury that you claim to have sustained as a result of the allegations contained in your Complaint.

REQUEST NO. 2

Please provide any and all correspondence regarding the allegations contained in your Complaint including any correspondence between you or anyone writing on your behalf and the Town of Groton and its employees.

REQUEST NO. 3

Please provide any and all documents that you intend to introduce as exhibits in the trial of this matter.

REQUEST NO. 4

Copies of each and every statement made by any witness to this occurrence.

REQUEST NO. 5

Please provide any and all documents and evidence to the first occasion that you or someone on your behalf notified the Town of Groton of the allegations in your Complaint.

REQUEST NO. 6

All statements by any witness to the occurrence or by any other person with claim knowledge or occurrence or facts relevant to this Complaint.

REQUEST NO. 7

All documents, which you contend supports your position in this lawsuit.

REQUEST NO. 8

Any and all documents which supports your allegation that the Plaintiff suffered physical injuries and monetary and other damages as a direct and proximate result of the Defendants' actions as alleged in your Complaint.

REQUEST NO. 9

Any and all documents, which support your allegation that the Defendants' conduct caused damage to the Plaintiff's reputation, humiliation, ridicule and other indignities, mental and emotional distress, physical and medical expenses and other financial losses as alleged in your Complaint.

REQUEST NO. 10

Any and all documents which supports your allegation that the Defendants' conduct violated 42 USC sec. 1983, constituted an unconstitutional seizure and detainment of the Plaintiff, constituted a violation of the Plaintiff's due process rights, constituted a state created danger which caused harm to the Plaintiff and otherwise constituted a violation of the Plaintiff's civil rights, as alleged in your Complaint.

REQUEST NO. 11

Any and all documents which supports your allegation that the Defendants' conduct constituted in an unconstitutional seizure and detainment of the Plaintiff, by use of threats, intimidation and coercion; constituted a state created danger and otherwise constituted a violation of the Plaintiff's civil rights and violation of the United States Constitution, the Massachusetts Declaration of Rights and M.G.L. c. 12, section 11I, as alleged in your Complaint.

REQUEST NO. 12

Any and all documents which supports your allegations that the Defendants owe a duty of reasonable care to the Plaintiff and to all citizens who enter the limits of the municipality of Groton to properly and reasonably train and supervise police officers, as alleged in your Complaint.

REQUEST NO. 13

Any and all documents which supports your allegations that the Defendants breached their duty by failing to properly train and supervise Defendants, Mulhern, Cunningham, Hartett, Chamberlin, and others as alleged in your Complaint.

REQUEST NO. 14

Any and all documents which supports your allegations that the Defendants, Town of Groton and the Chief of Police, maintain a policy or custom of failing to reasonably train the supervisors, police officers and/or maintain a policy or custom of failing to adequately investigate Town of Groton police officers accused of misconduct, as alleged in your Complaint.

REQUEST NO. 15

Any and all documents which supports your allegations that the Defendants maintained policies and customs, which evidence a deliberate indifference to the Plaintiff and to all persons present in the Town of Groton, as alleged in your Complaint.

REQUEST NO. 16

Any and all documents produced to or produced by each person you expect to call as an expert witness at the trial of this matter.

REQUEST NO. 17

Any and all photographs, images, diagrams, videotapes, representations of the Plaintiff's house, incident scene, and/or injuries as alleged in your Complaint.

REQUEST NO. 18

Any and all documents relating to weapons that you owned, possessed or controlled (including but not limited to) firearms, and rifles as of May 2, 2001.

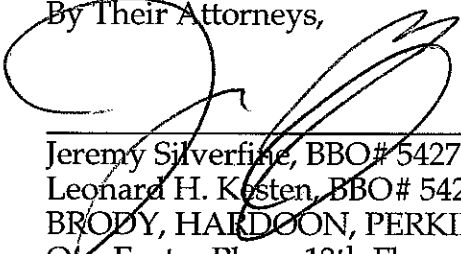
REQUEST NO. 19

Any and all documents relating to firearms identification cards (FID) that you have ever held.

REQUEST NO 20

Any and all documents relating to license to carry (firearms) that you have ever held.

Respectfully Submitted,
Defendants,
Robert Mulhern, Peter S. Cunningham,
Thomas D. Hartnett, Dann Chamberlin, and
the Town of Groton,
By Their Attorneys,



Jeremy Silverfine, BBO# 542779
Leonard H. Kesten, BBO# 542042
BRODY, HARDON, PERKINS & KESTEN
One Exeter Plaza, 12th Floor
Boston, MA 02116
(617) 880-7100

Date: 6/23/05

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the above document was served upon all counsel of record by first class mail on 6/23/05, 2005.



Jeremy Silverfine